

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)	
)	Case No. 15-02213
)	
DONISHA MONIQUE KENNARD,)	Chapter 13
)	
Debtor.)	
)	

**RESPONSE TO DEBTOR’S MOTION TO
MODIFY PLAN TO SURRENDER COLLATERAL**

**Timely Response Due: January 11, 2016
Hearing Date: January 20, 2016 at 8:30 a.m., Courtroom 1**

Comes Now, Creditor, InSolve Auto Funding c/o Capital Recovery Group, LLC (“InSolve”), in Response to the Debtor’s Motion to Modify Plan to Surrender Collateral, and in so responding, states as follows:

InSolve agrees to the Debtor’s surrender insurance proceeds in the amount of \$9,752.00 resulting from the total loss of the 2013 Chevrolet Impala, which secures the obligation owed to InSolve and to the granting to InSolve relief from the automatic stay to collect the collateral.

InSolve objects to the remaining balance on InSolve’s secured claim not being paid in full and not being paid at the interest rate of 22-percent (22%) that is in the confirmed plan. Such a modification is not allowed by *In re Nolan*, 232 F.3d 528 (6th Cir.2000), or *In re Adkins*, 425 F.3d 296 (6th Cir. 2005).

Accordingly, InSolve requests that the Court Order the Debtor’s surrender of the insurance proceeds in the amount of \$9,752.00 resulting from the total loss of the 2013

Chevrolet Impala, which secures the obligation owed to InSolve and to the granting to InSolve relief from the automatic stay to collect the collateral.

Further, InSolve respectfully requests that the remainder of the Debtor's Motion be denied, and that, any remaining deficiency remain a post-petition secured claim payable through the confirmed plan at the already-confirmed interest rate of 22-percent (22%), and that InSolve be awarded such further and other general relief to which it may be entitled.

DATED: December 24, 2015

Respectfully Submitted,

/s/Edward D. Russell

Edward D. Russell, No. 26126

The SR Law Group

PO Box 128

Mt. Juliet, TN 37121

(615) 559-3190

erussell@thesrlawgroup.com

Attorneys for InSolve Auto Funding, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of December 2015, a true and correct copy of the foregoing was served by regular mail upon Donisha Monique Kennard 1509 Santa Rosa Court, Madison, TN 37115-6514; Mary Beth Ausbrooks, Attorney for Debtor, 1222 16th Avenue South, Suite 12, Nashville, TN 37212; Office of the Chapter 13 Trustee, PO Box 340019, Nashville, TN 37203-0019, and electronically to those identified on the CM/ECF system for this case.

By: /s/Edward D. Russell

Edward D. Russell